

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 33

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOHN R. YAEGER

Appeal No. 1998-0990
Application No. 08/327,389

HEARD: June 12, 2002

Before HAIRSTON, FLEMING and BARRY, ***Administrative Patent Judges.***
FLEMING, ***Administrative Patent Judge.***

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the final rejection of claims 1 through 22, all the claims pending in the instant application.

The Appellant's invention relates generally to a disc drive system. In particular, Appellant's invention is directed

to a ramp assembling method and apparatus for loading and unloading an actuator arm in a disc drive. On page 3 of the specification, Appellant discloses that Figure 1 is a cutaway top view plan of one embodiment of Appellant's invention. Appellant discloses on page 5 of the specification that the surfaces of extension 217 and ramp assembly 230 contacting each other are coated with a hard, low-friction fluoropolymer loaded with Teflon. Appellant discloses that tests were conducted with these compounds showing excellent results in the form of low friction and low wear. Appellant discloses on page 6 that because a small amount of wear (debris) and external contamination are always present between two rubbing surfaces (flexure (217) and, ramp (272) and level (272) surfaces of the ramp assembly), a very light lubricant is applied to the stationary surface. Appellant discloses that flying debris are minimized with a lubricant which combines the debris within the lubricant.

Representative claims 1 and 12 are reproduced as follows:

1. A disc drive system comprising:
transducer means for reading and writing data on a disc;

disc rotation means for the placement and rotation of a disc;

motor means for moving an actuator arm assembly;

an actuator arm assembly for mounting and controllably positioning the read/write head on a desired track of the disc, wherein the actuator arm assembly is coated with a first low-friction material; and

a ramp located closely adjacent the outer perimeter of the disc for mounting the actuator arm assembly during rotation of the disc, wherein the ramp assembly is coated with a second low-friction material.

12. A disc drive system comprising:

transducer means for reading and writing data on a disc;

disc rotation means for the placement and rotation of a disc;

motor means for moving an actuator arm assembly;

an actuator arm assembly for mounting and controllably positioning the read/write head on a desired track of the disc, wherein the actuator arm assembly is coated with or formed of a first low-friction material; and

a ramp located closely adjacent the outer perimeter of the disc for mounting the actuator arm assembly during rotation of the disc, wherein the ramp assembly is coated with or formed of a second low-friction material, and is further coated with a lubricant over the low-friction material.

In rejecting Appellant's claims, the Examiner relies on the following reference:

Morehouse et al. (Morehouse)

5,237,472

Aug. 17, 1993

Appeal No. 1998-0990
Application 08/327,389

Claims 1 through 22 stand rejected under 35 U.S.C.
§ 103 as being unpatentable over Morehouse.

Rather than repeat the arguments of Appellant and the Examiner, we refer the reader to Appellant's Brief¹ and the Examiner's Answer for the respective details thereof.

OPINION

After careful consideration, we will not sustain the Examiner's rejection of claims 1 through 22 under 35 U.S.C. § 103.

In rejecting claims under 35 U.S.C. § 103, the Examiner bears the initial burden of establishing a ***prima facie*** case of obviousness. ***In re Oetiker***, 977 F.2d 1443, 1445, 24 USPQ 1443, 1444 (Fed. Cir. 1992). ***See also In re Piasecki***, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984). The Examiner can satisfy this burden by showing that some objective teaching in

¹Appellant filed an Appeal Brief on May 30, 1997. Appellant filed an amended Appeal Brief on September 29, 1997 in response to a Notification of Non-Compliance letter mailed by the Examiner on August 26, 1997. This amended Appeal Brief was responded to by the Examiner's Answer. The amended Appeal Brief will be referred to hereinafter as simply the "Brief."

the prior art or knowledge generally available to one of ordinary skill in the art suggests the claimed subject matter. ***In re Fine***, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Only if this initial burden is met does the burden of coming forward with evidence or argument shift to the Appellant. ***Oetiker***, 977 F.2d at 1445, 24 USPQ at 1444. ***See also Piasecki***, 745 F.2d at 1472, 223 USPQ at 788.

An obviousness analysis commences with a review and consideration of all the pertinent evidence and arguments. "In reviewing the [E]xaminer's decision on appeal, the Board must necessarily weigh all of the evidence and arguments." ***Oetiker***, 977 F.2d at 1445, 24 USPQ2d at 1444. "[T]he Board must not only assure that the requisite findings are made, based on evidence of record, but must also explain the reasoning by which the findings are deemed to support the agency's conclusion." ***In re Lee***, 277 F.3d 1338, 1344, 61 USPQ2d 1430, 1434 (Fed. Cir. 2002). With these principles in mind, we commence review of the pertinent evidence and arguments of Appellant and Examiner.

Appellant states on page 7 of the Brief that the Examiner has admitted that Morehouse's system does not teach

the actuator arm being coated with a low-friction material. Appellant argues that the simultaneous coating of both the ramp 230 and the actuator arm 217 with a low-friction material in the region of contact between these parts is an important feature of Appellant's invention. Appellant argues that Morehouse fails to teach a low-friction coating applied to the actuator arm. Appellant further argues that such arrangement is nowhere even suggested in the Morehouse patent. See page 8 of the Brief.

In response, the Examiner states on page 6 of the Answer that Morehouse clearly suggests in column 5, lines 52-64, that materials and coating can be used for the actuator and the ramp. The Examiner concludes that one of ordinary skill in the art looking to the disclosure of Morehouse would find it obvious to utilize the disclosed low-friction coating and material in the actuator of Morehouse.

When determining obviousness, "the [E]xaminer can satisfy the burden of showing obviousness of the combination 'only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant

teachings of the references.'" **Lee**, 277 F.3d at 1343, 61 USPQ2d at 1434, **citing In re Fritch**, 972 F.2d 1260, 1265, 23 USPQ2d 1780, 1783 (Fed. Cir. 1992). "Broad conclusory statements regarding the teaching of multiple references, standing alone, are not 'evidence.'" **In re Dembiczak**, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). "Mere denials and conclusory statements, however, are not sufficient to establish a genuine issue of material fact." **Id.** at 999, 50 USPQ2d at 1617, **citing McElmurry v. Arkansas Power & Light Co.**, 995 F.2d 1576, 1578, 27 USPQ2d 1129, 1131 (Fed. Cir. 1993).

We note that Morehouse specifically teaches only that the cam surface (the ramp surface) is coated with a low-friction material. Specifically, Morehouse teaches in column 5, lines 54-61, that the low-friction material is used for the cam surface 15 (ramp). Upon our review of Morehouse as a whole, we fail to find any suggestion whatsoever in the reference that suggests using a low-friction material coating for the actuator arm.

In view of the foregoing, we conclude that the Examiner has failed to establish a **prima facie** case of obviousness with

Appeal No. 1998-0990
Application 08/327,389

respect to claims 1 through 22. Therefore, we reverse the
Examiner's rejection of claims 1 through 22 under 35 U.S.C. § 103
as being unpatentable over Morehouse.

REVERSED

KENNETH W. HAIRSTON)	
Administrative Patent Judge)	
)	
)	
)	
)	BOARD OF PATENT
MICHAEL R. FLEMING)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
)	
)	
LANCE LEONARD BARRY)	
Administrative Patent Judge)	

MRF:psb

Appeal No. 1998-0990
Application 08/327,389

Kirk A. Cesari
Seagate Technology, LLC
Intellectual Property Department - SHK21G
1280 Disc Drive
Shakopee, MN 55379-1863